

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	16-56057		
District Court/Agency Case Number(s):	15-cv-3462		
District Court/Agency Location:	Central District of California		
Case Name:	Michael Skidmore, Trustee of Randy Craig Wolfe Trust	v.	Led Zeppelin, et al.
If District Court, docket entry number(s) of order(s) appealed from:	297, 264, 263, 262, 261, 273, 272, 233, 224, 203, 202, 159, 133		
Name of party/parties submitting this form:	Michael Skidmore		

Please briefly describe the dispute that gave rise to this lawsuit.

Randy Craig Wolfe (aka Randy California) wrote the song Taurus in 1966. The Randy Craig Wolfe Trust (the owner of Mr. Wolfe's intellectual property) alleges that Led Zeppelin copied Taurus to create the iconic song Stairway to Heaven.

Briefly describe the result below and the main issues on appeal.

Any copyright claimant must prove ownership, access, and substantial similarity. At trial Plaintiff proved that the Trust owns the Taurus copyright and that Defendants had access to Taurus--despite their fervent denials. The jury found that Taurus and Stairway to Heaven are not substantially similar. On appeal, the main issue will be the Court's pre-trial rulings precluding the Taurus sound recording and any of the compositional elements in it. The lower court's decision contradicts another district court decision on this exact issue. In addition, the district court's jury instructions incorrectly and incompletely described what constitutes protected material, incorrectly described the substantial similarity comparison, and omitted the inverse ratio rule. \*\*\*

Describe any proceedings remaining below or any related proceedings in other tribunals.

Defendants filed a motion for costs and fees, which Plaintiff opposed. That motion is outstanding.

Provide any other thoughts you would like to bring to the attention of the mediator.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

### CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

**Note:** Use of the CM/ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in CM/ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into CM/ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

## CERTIFICATE OF SERVICE

Plaintiff hereby represents that PLAINTIFF'S MEDIATION QUESTIONNAIRE has been served upon counsel by electronic filing:

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*Respectfully submitted,*  
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*/d/ August 1, 2016*